

**California Environmental Protection Agency (Cal/EPA)
Environmental Justice (EJ) Action Plan**

**Proposed Recommendations for
Public Participation Policy**

February 4, 2005

All members of the public shall have equal access to the decision-making processes of each Board, Department and Office (BDO) within the California Environmental Protection Agency (Cal/EPA). Efforts to engage and inform the public will begin early in the decision-making process and continue through implementation of the decision. Public comment will be fully considered and incorporated where appropriate and feasible.

To enhance public participation efforts, Cal/EPA BDOs will:

- 1. Develop a regional approach to public participation*
- 2. Develop common guidelines for public participation*
- 3. Develop a complaint resolution process for environmental justice and public participation*
- 4. Develop a Tribal communications policy and guidance*
- 5. Develop demographic and community assessment databases*
- 6. Create a common translation guidance and contract for services*
- 7. Establish a performance evaluation process for environmental justice and public participation*
- 8. Develop a guidance for use of plain language for general-distribution public documents*
- 9. Develop electronic and interactive tools for public participation*

The above statement is staff's proposed public participation policy and action items. We welcome public comments and suggestions. Any significant revisions of the policy and action items, additional information or clarification, and an inventory of public participation activities will be available at least ten days before February 15, 2005.

The Cal/EPA Intra-Agency Strategy for Environmental Justice envisions accessibility and fair treatment in decision-making processes. Meaningful public participation allowing communities and stakeholders to effectively participate in environmental decision-making is specifically called out in the Strategy. Meaningful public participation is defined as engaging members of the public early so that their concerns and questions are addressed within the process, and that comments are considered and responded to prior to making final decisions. For the purposes of this policy, decision-making includes but is not limited to: permit decisions and decisions related to the permit conditions or

closure of a facility; decisions related to site-specific cleanup strategies; rule making; standards-setting; and assessments of health risk.

Recognizing that each BDO has specific requirements for its public participation efforts, an intra-agency workgroup for public participation has been formed to inventory current activities and develop an over-arching public participation policy for Cal/EPA and its BDOs. Additionally, an external workgroup consisting of industry, community and environmental groups, and regional and state agencies has been formed to review and discuss public participation concepts.

The proposed public participation policy has been developed by the intra-agency workgroup, with input from the external workgroup. In concert with the proposed policy statement, the intra-agency workgroup recommends the following actions to enhance existing public participation practices. Upon approval of these recommendations, the intra-agency workgroup, with input from external stakeholders, will develop a guidance for public participation that will apply to all appropriate decision-making within the BDOs and at the Agency level.

Recommendation 1: Develop a Regional Approach to Public Participation

BDOs need to be responsive to environmental issues on a regional basis and coordinate with other BDOs and regional entities if issues are multi-media in nature. Regionalization is designed to enhance and streamline public involvement, giving community members access to the process and decision-makers. It is not meant to replace existing relationships between community members and staff within individual BDOs or their local counterparts.

The following issues should be considered in developing a regional approach to public participation:

- Developing a strong regional identity for Cal/EPA and its BDOs.
- Holding community meetings to discuss environmental issues under the BDOs purview.
- Forming advisory groups, where appropriate, to disseminate information and assist the BDOs in gathering public input.
- Developing databases where environmental information can be easily retrieved via the Internet.
- Creating local and statewide hotlines for environmental compliance issues and complaints.
- Developing web pages accessible through Cal/EPA's Web site that will contain regional environmental publications, reports, and data.
- Creating common repositories for printed information created in response to local issues
- Working with local governments
- Developing relationships with and a presence in rural communities

Recommendation 2: Develop Common Guidelines for Public Participation

Guidelines for public participation should be developed to establish a comprehensive public participation process for Cal/EPA and its BDOs. Common essential elements to be considered should include outreach, access to information, and notification. The goal is to develop a comprehensive menu of ways to improve public participation as appropriate for each BDO, while ensuring a minimum, consistent level of public participation opportunities across Cal/EPA, and without creating unnecessary delay to projects. Minimum level of public participation means the lowest or least intensive level of public involvement and is not intended to discourage a higher level as appropriate.

Recommendation 3: Develop a Complaint Resolution Process for Environmental Justice and Public Participation

Cal/EPA BDOs should develop a process for dealing with concerns directly related to public participation or environmental justice. Members of the public should have a point of contact to discuss their concerns about implementation of environmental justice and public participation policies.

Recommendation 4: Develop a Tribal Communications Policy and Guidance

Communication with California's Native American Tribes should be given special consideration given the nature of their status as sovereign nations. The Tribal Communication Policy and Guidance should consider a Tribe's individual cultural needs. Successful public participation with Tribes is essential for many projects including watershed issues, pollution prevention, recycling, air quality, toxic cleanups, pesticide application, fish warnings, and enforcement cases and permitting.

Recommendation 5: Develop Demographic and Community Assessment Databases

A great deal of information is available within each BDOs. Databases developed by each BDO should be designed so there is easy access for the public, as well as other agencies. Cal/EPA BDOs will evaluate the feasibility of developing a common database that provides information on community leaders, demographics, environmental concerns, existing sites or facilities that fall under the BDOs' regulatory authority, location of repositories, language needs, and other applicable data.

Recommendation 6: Create a Common Translation and Interpretation Guidance and Contract for Services

Roughly a third of Cal/EPA's outreach is done in communities where there are significant numbers of non-English speakers. Currently, each BDO provides varying levels of translation. At times staff members are used for this purpose, yet there is no consistent approach to providing translation services. Cal/EPA BDOs should develop a common translation guidance and service contract for translation services as needed.

Community oriented factsheets are an example of documents that should be translated by BDOs.

Recommendation 7: Establish a Performance Evaluation Process for Environmental Justice and Public Participation

The performance evaluation process should examine parameters such as steps taken to assess public interest, preparation of external communications that are clear and understandable, and demonstration that public comments were considered prior to a decision. Guidance should be developed for staff on performing meaningful public participation. Cal/EPA BDOs should explore ways to provide EJ and public participation training to staff, and ways to facilitate and evaluate performance of public participation efforts.

Recommendation 8: Develop a Guidance for use of Plain Language for All Documents

The goal of this recommendation is to ensure that all BDOs take a “Plain Language” approach when communicating with the public. Cal/EPA BDOs should develop a guidance document for use by staff and management. Training should be made available.

Recommendation 9: Develop Electronic and Interactive Tools for Public Participation

Electronic communications provide a unique opportunity to communicate with large numbers of people without the need for travel. Staff should evaluate the ability to utilize various electronic tools when conducting public outreach, keeping in mind that for those community members who may not wish or may not have the tools to communicate in this manner, more traditional communication tools will be needed. When possible, staff should utilize the following tools:

- Webcasting
- Electronic comment forms
- Forums
- Website development

The concepts and goals of environmental justice must be tightly interwoven within Cal/EPA’s BDOs public participation efforts. A good public participation program is crucial to addressing environmental justice issues. Statutory requirements, and the Cal/EPA Intra-Agency Environmental Justice Strategy adopted in August 2004 clearly lay out a roadmap for integrating environmental justice into the communication and decision-making practices of each BDO.

Cal/EPA is committed to facilitating meaningful public involvement. Public participation occurs on a variety of levels within Cal/EPA BDOs. Workshops, permit hearings, open houses, rule making hearings and board meetings all allow the public to provide input

and play a role in shaping decisions. The proposed policy statement and recommendations are intended to enhance the existing public participation practices of Cal/EPA and its BDOs.